

SENATE BILL 2124
By Black

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 7, relative to nursing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-101, is amended by deleting the language "for compensation" from the first sentence of the section.

SECTION 2. Tennessee Code Annotated, Section 63-7-102(2), is amended by deleting the language "institutions, agencies or" from the subdivision.

SECTION 3. Tennessee Code Annotated, Section 63-7-105(c), is amended by deleting the subsection in its entirety and by substituting instead the language:

(c) Temporary Permits: The board may issue a temporary permit to a professional or registered nurse duly licensed according to the laws of another state and who has made application for permanent licensure in Tennessee. A permit issued under the provisions of this subsection (c) shall be valid for a single period of six (6) months.

SECTION 4. Tennessee Code Annotated, Section 63-7-106, is amended by deleting the section in its entirety and by substituting instead the language:

(a)

(1) The applicant for a license to practice as a professional or registered nurse by examination must pay a fee as set by the board and the board may direct, by regulation, that a part of the fee will be paid directly to a testing service by the applicant.

(2) An unsuccessful applicant for licensure by examination may rewrite the examination upon payment of a fee as set annually by the board and the

board may direct, by regulation, that a part of the fee will be paid directly to a testing service by the applicant.

(3) The applicant for a license to practice as a professional or registered nurse without examination under § 63-7-105(b) shall pay a fee as set by the board.

(b) The applicant for a temporary permit shall pay a fee as set by the board.

(c) Any person who holds a license to practice professional nursing under this chapter and who seeks to be licensed in another state by endorsement on the basis of the person's Tennessee license shall have the license certified by the board for a fee as set by the board.

(d) The applicant for a duplicate original license or a duplicate renewal certificate shall pay a fee as set annually by the board.

(e) The applicant for a school transcript shall pay a fee as set by the board.

(f) The applicant for a change in name shall pay a fee as set by the board.

(g) An applicant for an advanced practice license pursuant to § 63-7-123, shall pay a fee as set by the board.

SECTION 5. Tennessee Code Annotated, Section 63-7-110(c), is amended by deleting the subsection in its entirety and by substituting instead the language:

(c) Temporary Permits: The board may issue a temporary permit to a practical nurse duly licensed according to the laws of another state and who has made application for a permanent license in Tennessee. A permit issued under the provisions of this subsection (c) shall be valid for a single period of six (6) months.

SECTION 6. Tennessee Code Annotated, Section 63-7-111, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The applicant for a license to practice as a licensed practical nurse shall pay an examination fee as set annually by the board and the board may direct, by regulation, that a part of the fee will be paid directly to a testing service by the applicant. An applicant to rewrite an examination shall pay an examination fee as set by the board and the board may direct, by regulation, that a part of the fee will be paid directly to a testing service by the applicant.

(b) The applicant to practice as a licensed practical nurse without examination under § 63-7-110(b) shall pay a fee as set by the board.

(c) The applicant for a permit shall pay a fee as set by the board.

(d) Any person who holds a license to practice as a practical nurse under this chapter and who seeks to be licensed in another state by endorsement on the basis of the person's Tennessee license shall have the license certified by the board for a fee as set by the board.

(e) The applicant for a duplicate original license or a duplicate renewal certificate shall pay a fee as set by the board.

(f) The applicant for a school transcript shall pay a fee as set annually by the board.

(g) The applicant for a change in name shall pay a fee as set annually by the board.

SECTION 7. Tennessee Code Annotated, Section 63-7-113, is amended by deleting the second sentence of the section in its entirety.

SECTION 8. Tennessee Code Annotated, Section 63-7-114, is amended by deleting the language "annually" from subsections (a) and (b) wherever it appears.

SECTION 9. Tennessee Code Annotated, Section 63-7-114(f), is amended by deleting the subsection in its entirety and by substituting instead the following:

(f) Any nurse who has not been engaged in the practice of nursing for five (5) years or more shall be issued an inactive license. If such nurse desires to resume practice, notice in writing shall be given to the board and evidence of nursing competence may be required prior to license renewal. The board shall evaluate on an individual basis evidence of nursing competence, which may include, but is not limited to continuing education, a refresher program, comprehensive orientation program, or nursing educational program.

SECTION 10. Tennessee Code Annotated, Section 63-7-117, is amended by inserting the language “on ground, distance, online or via other electronic means,” between the language “practical nursing,” and “must apply to”.

SECTION 11. Tennessee Code Annotated, Section 63-7-118, is amended by deleting the language “by the board, who shall submit a written report of the survey “ in the first sentence and by substituting instead the language “by the board. The school shall submit a written report“.

SECTION 12. Tennessee Code Annotated, Section 63-7-119, is amended by deleting the language “five (5)” and by substituting instead the language “eight (8)”.

SECTION 13. Tennessee Code Annotated, Section 63-7-123, is amended by deleting the section in its entirety and by substituting instead the following:

63-7-123.

(a) The board shall grant prescriptive authority to advanced practice nurses who meet the qualifications, competencies, training, education and experience, pursuant to § 63-7-207(14), sufficient to prepare such persons to write and sign prescriptions and/or issue or dispense drugs within the limitations and provisions of § 63-1-132.

(b)

(1) A nurse who has been granted prescriptive authority as an advanced practice nurse pursuant to § 63-7-207 and this section shall file a notice with the board, containing the name of the advanced practice nurse, the name of the licensed physician having supervision, control and responsibility for prescriptive services rendered by the advanced practice nurse, and a copy of the formulary describing the categories of legend drugs to be prescribed and/or issued by the advanced practice nurse. The advanced practice nurse shall be responsible for updating this information.

(2) The advanced practice nurse with prescriptive authority shall be authorized to prescribe and/or issue controlled substances listed in Schedules II, III, IV and V of title 39, chapter 17, part 4, upon joint adoption of physician supervisory rules concerning controlled substances pursuant to subsection (c).

(3) Any prescription written and signed or drug issued by an advanced practice nurse under the supervision and control of a supervising physician shall be deemed to be that of the advanced practice nurse. Every prescription issued by an advanced practice nurse pursuant to this section shall be entered in the medical records of the patient and shall be written on a preprinted prescription pad bearing the name, address, and telephone number of the supervising physician and of the advanced practice nurse, and the advanced practice nurse shall sign each prescription so written. Where the preprinted prescription pad contains the names of more than one (1) physician, the advanced practice nurse shall indicate on the prescription which of those physicians is the advanced practice nurse's primary supervising physician by placing a checkmark beside or a circle around the name of that physician. Any written or electronic prescription order for a drug prepared by an advanced practice nurse who is authorized by

law to prescribe a drug must be legibly printed or typed so that it is comprehensible by the pharmacist filling the prescription. The written or electronic prescription order must contain the name of the prescribing advanced practice nurse; the name and strength of the drug prescribed; the quantity of the drug prescribed, written in both letters and numerals; instructions for the proper use of the drug; and the month and day that the prescription was issued, written in letters or in numerals. The prescribing advanced practice nurse must sign the written or electronic prescription order on the day it is issued. Nothing in this section shall be construed to prevent an advanced practice nurse from issuing a verbal prescription order.

(4) The advanced practice nurse shall maintain a copy of the protocol the advanced practice nurse is using at the advanced practice nurse's practice location and shall make the protocol available upon request by the board of nursing, the board of medical examiners or authorized agents of either board.

(c) Any rules that purport to regulate the supervision of advanced practice nurses by physicians shall be jointly adopted by the board of medical examiners and the board of nursing.

SECTION 14. Tennessee Code Annotated, Section 63-7-126, is amended by deleting the word "certificate" and by substituting the word "license" in subsections (b) and (c).

SECTION 15. Tennessee Code Annotated, Section 63-7-126, is amended by deleting subsections (d) and (e) in their entireties.

SECTION 16. Tennessee Code Annotated, Section 63-7-207(14), is amended by deleting the language "certificate of fitness as a nurse practitioner, " and by substituting instead the language "license as an advanced practice nurse, ".

SECTION 17. This act shall take effect July 1, 2005, the public welfare requiring it.

